

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JIMI ROSE,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 21-CV-4092
	:	
WALMART CORPORATION, <i>et al.</i> ,	:	
Defendants.	:	

**ORDER**

AND NOW, this 19<sup>th</sup> day of January, 2022, upon consideration of Plaintiff Jimi Rose's Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 1), and *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. The Complaint is **DEEMED** filed.
3. For the reasons stated in the Court's Memorandum, the Complaint is

**DISMISSED** as follows:

- a. Rose's federal claims, other than any federal constitutional claim brought pursuant to 42 U.S.C. § 1983, are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);
- b. Any federal constitutional claim brought pursuant to § 1983 is **DISMISSED WITHOUT PREJUDICE** as barred by *Heck v. Humphrey*, 512 U.S. 477, (1994) and Rose may reassert that claim in a new civil action if the bar is ever removed.

- c. Rose's state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction, and he may pursue those claims in the appropriate state court.
4. The Clerk of Court is **DIRECTED** to close this case.

**BY THE COURT:**

/s/ Jeffrey L. Schmehl  
**JEFFREY L. SCHMEHL, J.**